

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Applicant: Kevin D. Cooper et al.
Serial No.: 10/599,433
Filed: September 28, 2006
For: TOPICAL DELIVERY OF PHTHALOCYANINES

Art Unit: Unknown
Examiner: Unknown

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Pursuant to 37 C.F.R. 1.97 and 1.98, and in compliance with 37 C.F.R. 1.56, the Office's attention is directed to the patents, pending applications, publications and other information listed on the attached PTO-1449. A copy of each listed document is enclosed, except for (a) those previously cited or submitted to the Office in the following application(s) upon which this application relies for an earlier filing date under 35 U.S.C. 120, and (b) any U.S. patent or U.S. patent application publication if the present application was filed after June 30, 2003 or entered the national stage under 35 USC § 371 after June 30, 2003:

Serial No.: _____
Filing Date: _____

Regarding any document, publication or other information for which a date is not given on the attached PTO-1449, Applicant(s) believe(s) the same may qualify as "prior" art to this application and should be treated accordingly, although Applicant(s) reserve(s) the right to contest the prior art status of any document, publication or information, should issue arise.

2. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

- (a) ____ A copy of each English language version of a search report (or EPO Search Report) indicating the degree of relevance found by the foreign office of each document being submitted from the search report, is being submitted herewith or has previously been submitted.
- (b) ____ Attached is a "Concise Explanation of Relevance of Non-English Language Documents".

3. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed (one must be checked):

- (a) ____ Within 3 months of the filing date, date of entry into the National Stage, or filing date of RCE.
- (b) X Before the mailing date of a first Office Action on the merits. If this Statement is not filed before the mailing date of a first Office Action on the merits, the required certification is given below or, in the absence thereof, the Office is authorized to charge the required fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988 for consideration of this Statement.
- (c) ____ Before the mailing date of a first Office Action on the merits after a first or second submission after final rejection under 37 C.F.R. 1.129(a).

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.W./

- (d) ____ After the period set forth in 37 C.F.R. 1.97(b) but before the mailing date of either a final action or a notice of allowance.
- (1) ____ The required certification is given below, or
- (2) ____ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement, or
- (3) ____ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988
- (e) ____ After the mailing date of either a final action or a notice of allowance, but before payment of the issue fee. Petition hereby is made for consideration of this Statement and the required certification is indicated below.
- (1) ____ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p), or
- (2) ____ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988.

4. Certification (if applicable)

- (a) ____ The undersigned hereby certifies that each item of information contained in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this Statement.
- (b) ____ The undersigned hereby certifies that no item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the undersigned's knowledge after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 C.F.R. 1.56(c) more than 3 months prior to the filing of this Statement.

5. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By /Heidi A. Boehlefeld/
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CERTIFICATE OF MAILING, FACSIMILE OR ELECTRONIC TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is
____ being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents address below.

X being transmitted via the USPTO Electronic Filing System.

/Heidi A. Boehlefeld/
Heidi A. Boehlefeld

March 9, 2007
Date

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|--|---|---------------------------------|
| Form PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | Atty Docket No. CASEP0931WOUS | Serial No. 10/599,433 |
| | Applicant: Kevin D. Cooper et al. | |
| | Filing Date: 9/28/06 | Group: Unknown |

U.S. PATENT DOCUMENTS

| Examiner Initial | Document Number | Date (MM/YYYY) | Name | Class | Sub-class | Filing Date if Appropriate |
|------------------|-----------------|----------------|----------------|-------|-----------|----------------------------|
| | 5,358,940 | 10/25/94 | Capraro et al. | 514 | 63 | |

FOREIGN PATENT DOCUMENTS

| Examiner Initial | Document Number | Date (MM/YYYY) | Country | Class | Sub-class | Translation | |
|------------------|-----------------|----------------|---------|-------|-----------|-------------|----|
| | | | | | | Yes | No |
| | 92/01753 | 2/6/92 | WO | | | | |
| | 95/06688 | 3/9/95 | WO | | | | |
| | 99/23882 | 5/20/99 | WO | | | | |
| | 02/096913 | 12/5/02 | WO | | | | |
| | 03/037902 | 5/8/03 | WO | | | | |
| | 0 633 024 | 1/11/95 | EP | | | | |
| | 0 720 853 | 7/11/01 | EP | | | | |

OTHER ART

| Examiner Initial | Author, Title, Date, Pertinent Pages, etc. |
|------------------|--|
| | XP-002211842; Vorozhtsov, G. N. et al; Phosphonylmethyl Phthalocyanine Derivatives in Preparations for Photodynamic Therapy; Chemical Abstracts, vol. 136, No. 183942, 2002. |
| | XP-002346530; Wainwright, M; Local Treatment of Viral Disease Using Photodynamic Therapy; International Journal of Antimicrobial Agents; vol. 21, 2003, pp. 510-520. |
| | E. Ben-Hur et al; The phthalocyanines: A New Class of Mammalian Cells Photosensitizers with a Potential for Cancer Phototherapy; Int. J. Radiat. Biol.; Vol. 47, No. 2, pp. 145-147, 1985. |

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|---|------------------------|
| EXAMINER /Paul Ward/ (06/17/2011) | DATE CONSIDERED |
|---|------------------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Information Disclosure Statement PTO-1449 (Modified)

The identification of any reference is not intended to be, and should not be understood as being, an admission that such publication, in fact, constitutes "prior art" within the meaning of applicable law since, for example, a given reference may have a later effective date than first seems apparent or the reference may have an effective date which can be antedated. The "prior art" status of any reference is a matter to be resolved during prosecution.

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OTHER ART

| Examiner Initial | Author, Title, Date, Pertinent Pages, etc. |
|------------------|---|
| | C.M. Allen et al; Current status of Phthalocyanines in the Photodynamic Therapy of Cancer; Journal of Porphyrins and Phthalocyanines 5; pp. 161-169; 2001. |
| | E. Ben-Hur et al; Phthalocyanines in Photobiology and Their Medical Applications; The Porphyrin Handbook; vol. 19; Applications of Phthalocyanines; Elsevier Science; pp. 1-35; 2003. |
| | C.D. Abernathey et al; Activity of Phthalocyanine Photosensitizers Against Human Glioblastoma in Vitro; Neurosurgery, Vol. 21, No. 4; pp. 468-473; 1987. |
| | W.S. Chan et al; Tissue Uptake, Distribution, and Potency of the Photoactivatable Dye Chloroaluminum Sulfonated Phthalocyanine in Mice Bearing Transplantable Tumors; Cancer Research 48, 3040-3044, 1988. |
| | M. Sonoda; The Role of Singlet Oxygen in the Photohemolysis of Red Blood Cells Sensitized by Phthalocyanine Sulfonates; Photochemistry and Photobiology, vol. 46, No 5; pp. 625-631; 1987. |
| | N. Ramakrishnan et al; DNA Lesions and DNA Degradation in Mouse Lymphoma L5178Y Cells After Photodynamic Treatment Sensitized by Chloroaluminum Phthalocyanine; Photochemistry and Photobiology; vol. 50, No. 3; pp. 373-378, 1989. |
| | M.L. Agarwai; Photodynamic Therapy Induces Rapid Cell Death by Apoptosis in L5178Y Mouse Lymphoma Cells; Cancer Research 51, 5993-5996, 1991. |

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